1949. File No. Rules of Business Legal Deptt. II/49.(N)

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Subject:— Notifications under the Rules of Business.

File No. Rules of Business II/49 (N)

Gen. 194 e. 119-R3

Legislation.

Instructions regarding procedure to be followed in connected with -

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular No.
Bombay Castle, 1948.

Read Instructions 12(b), 13 and 20 to 31 of the Instructions regarding the Business of Government issued under rule 14 of the Rules made under section 99 of the Government of India Act, 1935.

CIRCULAR.

In supersession of the orders issued in Government Circular, Political and Services Department No.996/34 dated the 3rd. September 1938, Government is pleased to issue the following instructions regarding the procedure to be followed in connection with any proposal for legislation :-

Stage I : Procedure before proposals for legislation are brought before the Council of Ministers:-

(i) As soon as the Hon'ble Minister in charge of a department considers that legislation is necessary, the department concerned should prepare note indicating the objects of the proposed legislation and the provisions which should be made in the Bill.

(ii) The notes should then, and where legislation falls under Instruction 28 of the Instructions regarding the Business of Government issued under rule 14 of the Rules made under section 99 of the Government of India Act, 1935 (hereinafter referred to in this circular as the Instructions under rules of Business), after following the procedure laid down therein, be forwarded to the Remembrancer of Legal Affairs for his advice as to the necessity or expediency from the legal point of view of the proposed legislation (Instructions Nos. 22 and 28 under the Rules of Business).

(iii) The notes together with the opinions of the

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Remembrancer of Legal Affairs, and the Finance Department, if any, should then be submitted to the Hon'ble Minister in charge. If the Honourable Minister in charge decides that the proposed legislation should be undertaken the papers together with the Honourable Minister's directions should again be forwarded to the Remembrancer of Legal Affairs with a request to draft a Bill accordingly. (Instruction No.23(1) under Rules of Business).

(iv) The Remembrancer of Legal Affairs should then in consultation with the Secretary in the department concerned, and under the orders of the Minister in charge and the Minister for Law prepare a tentative draft Bill and send it to the originating department (Instruction No.23(2) under Rules of Business).

(v) If considered necessary the originating department should, as soon as the tentative draft bill is received from the Remembrancer of Legal Affairs, obtain the opinions of such officers and bodies as it seems necessary and submit the opinions received with a copy of the tentative draft Bill to the Honourable Minister in charge (Instruction No.23(3) under Rules of Business).

(vi) If the tentative draft Bill is approved by the Minister in charge it should be circulated to the other Ministers and a copy thereof should at the same time be supplied to the Governor. The bill should then be brought before a meeting of the Council of Ministers, unless in any case the Premier specifically directs otherwise (Instruction No.23(4) under Rules of Business).

Stage II : <u>Procedure when legislation is finally decide</u>

(i) If the Council of Ministers finally decides to proceed with the Bill, with or without amendments, the originating department should send the papers to the Remembrancer of Legal Affairs requesting him to prepare a final draft of the Bill(Instruction No23(5) under Rules of Business).

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(ii) The Remembrancer of Legal Affairs should then finalise the draft and send the draft Bill to the originating department, indicating at the same time the sanctions or recommendations if any, required for the Bill (Instruction No.23(6) under Rules of Business).

Stage III : Procedure after the Bill is approved.

(i) The Bill as finalised should be submitted by the originating department to the Honourable Minister in charge for his signature on the ~~Ar~~ Statement of Objects and Reasons attached to the Bill.

(ii) Orders of the Honourable Minister should also be obtained at the same time for the publication of the Bill in the Bombay Government Gazette and as regards the languages in which it should be translated (Rule 80/79 of the Bombay Legislative Assembly/Council Rules).

(iii) If the Bill is one which requires the sanction or recommendation of H.E. the Governor under the Government of India Act, 1935, the papers should then be submitted to H.E. for his sanction or recommendation.

(iv) After all action required by clauses (i) to (iii) is taken, the originating department will transfer the final draft Bill printed with 20 copies thereof to the Legal Department for necessary furt action with the instructions of Government there including instructions as to its introduction in the Legislative Council or Legislative Assembly and with copies of such papers underlying the Bil as should be communicated to the Legislative Council and Legislative Assembly. After such transfer the Bill shall be deemed to belong to the Legal Department(Instruction No.24(1)

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under Rules of Business).

By order of the Governor of Bombay,

Chief Secretary to Governme

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Legal Department.

No difficulty has so far been felt regarding proposals for legislation and it is not necessary for the present to issue any Circular explaining the procedure to be followed in connection with any such proposals.

Sd/- J.R. Dhurandhar.
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U.R. to P.& S.D.No.1289/, dated the 3rd February 1949.

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NOTIFICATION.

Health and Local Government Department.

Bombay Castle, 1940.

Indian Medical Degrees Act, 1916.

No. - In exercise of the powers conferred by section 3 of the Indian Medical Degrees Act, 1916 (VII of 1916), the Government of Bombay is pleased to authorise the Board of Examiners appointed from time to time by the Surgeon General with the Government of Bombay to conduct examinations in the Cource of medical radiology sanctioned in Government Resolution, General Department, No.1677/33, dated the 21st April 1942, to issue a diploma in Medical Radiology.

By order of the Governor of Bombay,

Secretary to Government.

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